

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MILTON MUSA PACHECO,

Plaintiff,

-v.-

9:05-CV-0998  
(LEK/RFT)

MARIO De ACEVEDO, *et al.*,

Defendants.

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**APPEARANCES:**

**OF COUNSEL:**

MILTON MUSA PACHECO  
Plaintiff, *pro se*  
79-B-0064

HON. ANDREW M. CUOMO  
Office of the Attorney General  
State of New York  
The Capitol  
Albany, New York 12224

JAIME IRENE ROTH, ESQ.

LAWRENCE E. KAHN, U.S. DISTRICT JUDGE

**ORDER**

Presently before this Court is a Motion by the Plaintiff Milton Pacheco ("Plaintiff" or "Pacheco") for injunctive relief. See Motion (Dkt. No. 46). Defendants have opposed the Motion. See Defts' Opp. (Dkt. No. 47).

Plaintiff's claims in this action relate to Defendants' alleged failure to provide adequate medical care while Plaintiff was incarcerated at Clinton Correctional Facility.

After filing this Motion, Plaintiff was transferred to Upstate Correctional Facility (Dkt. No. 53), where he remains incarcerated as of the date of this Order.

Accordingly, the Court need not reach the merits of the Motion as it is clear that Plaintiff complains of events that occurred prior to his transfer from Clinton Correctional Facility, and he is no longer housed under the custody and control of the Defendants

named in this action. "It is [well] settled in this Circuit that a transfer from a prison facility moots an action for injunctive relief against the transferring facility." See Prins v. Coughlin, 76 F.3d 504, 506 (2d Cir. 1996) (citing Young v. Coughlin, 866 F.2d 567, 568 n.1 (2d Cir.), cert. denied, 492 U.S. 909 (1989); Beyah v. Coughlin, 789 F.2d 986, 988 (2d Cir. 1986)). In addition, the claims asserted in the Motion are unrelated to the claims set forth in Plaintiff's Complaint. Accordingly, the Motion must be denied. See Rolle v. Garcia, No. 9:04-CV-312 (LEK) (GHL), 2005 WL 1221631, at \*2 (N.D.N.Y. May 20, 2005) (Kahn, D.J.) (citing Allen v. Brown, No. 96-CV-1599 (RSP/GJD), 1998 WL 214418, at \*4 (N.D.N.Y. Apr. 28, 1998) (Pooler, D.J., adopting Report-Recommendation of DiBianco, M.J.)).

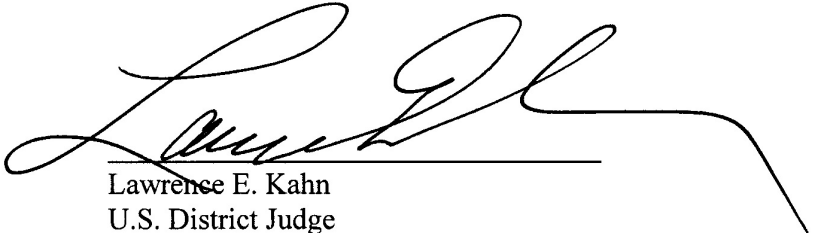
WHEREFORE, in light of the foregoing, it is hereby

**ORDERED**, that Plaintiff's Motion for injunctive relief (Dkt. No. 46) is **DENIED**;  
and it is further

**ORDERED**, that the Clerk serve a copy of this Order on the parties in  
accordance with the Local Rules.

**IT IS SO ORDERED.**

DATED: January 22, 2007  
Albany, New York

  
Lawrence E. Kahn  
U.S. District Judge